

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AMANDA CATON, <i>et al.</i>	:	
	:	Case No. 1:22-cv-345
Plaintiffs,	:	
v.	:	Judge Susan J. Dlott
	:	
JACOB SALAMON, <i>et al.</i>	:	
	:	
Defendants.	:	

**ANSWER OF DEFENDANTS, JACOB SALAMON, DENNIS RAHE, SHAWN PARKS
AND CITY OF LOVELAND TO PLAINTIFFS' COMPLAINT**

COME NOW Defendants Jacob Salamon, Dennis Rahe, Shawn Parks and City of Loveland, by and through counsel, and for their Answer to Plaintiffs' Complaint state as follows:

FIRST DEFENSE

1. These Defendants deny the allegations in paragraph 1 of Plaintiffs' Complaint.
2. These Defendants deny the allegations in paragraph 2 of Plaintiffs' Complaint.
3. These Defendants deny the allegations in paragraph 3 of Plaintiffs' Complaint for want of knowledge.
4. These Defendants admit the allegations in paragraph 4 of Plaintiffs' Complaint.
5. These Defendants admit the allegations in paragraph 5 of Plaintiffs' Complaint.
6. These Defendants admit the allegations in paragraph 6 of Plaintiffs' Complaint.
7. These Defendants admit the allegations in paragraph 7 of Plaintiffs' Complaint.
8. These Defendants deny the allegations of conduct as set forth in Complaint and therefore deny the allegations in paragraph 8 of Plaintiffs' Complaint.
9. These Defendants deny the allegations of conduct as set forth in Complaint and therefore deny the allegations in paragraph 9 of Plaintiffs' Complaint.

10. These Defendants deny the allegations of conduct as set forth in Complaint and therefore deny the allegations in paragraph 10 of Plaintiffs' Complaint.
11. These Defendants deny the allegations of conduct as set forth in Complaint and therefore deny the allegations in paragraph 11 of Plaintiffs' Complaint.
12. These Defendants admit the allegations in paragraph 12 of Plaintiffs' Complaint.
13. These Defendants deny the allegations in paragraph 13 of Plaintiffs' Complaint.
14. These Defendants deny the allegations in paragraph 14 of Plaintiffs' Complaint.
15. These Defendants deny the allegations in paragraph 15 of Plaintiffs' Complaint.
16. These Defendants state that Officer Salamon's review speaks for itself and therefore denies the allegations in paragraph 16 of Plaintiffs' Complaint.
17. These Defendants deny the allegations in paragraph 17 of Plaintiffs' Complaint for want of knowledge.
18. These Defendants deny the allegations in paragraph 18 of Plaintiffs' Complaint.
19. These Defendants deny the allegations in paragraph 19 of Plaintiffs' Complaint.
20. These Defendants deny the allegations in paragraph 20 of Plaintiffs' Complaint.
21. These Defendants deny the allegations in paragraph 21 of Plaintiffs' Complaint.
22. These Defendants deny the allegations in paragraph 22 of Plaintiffs' Complaint.
23. These Defendants deny the allegations in paragraph 23 of Plaintiffs' Complaint.
24. These Defendants deny the allegations in paragraph 24 of Plaintiffs' Complaint.
25. These Defendants deny the allegations in paragraph 25 of Plaintiffs' Complaint for want of knowledge.
26. These Defendants deny the allegations in paragraph 26 of Plaintiffs' Complaint.
27. These Defendants deny the allegations in paragraph 27 of Plaintiffs' Complaint.

28. These Defendants admit Salamon approached the drivers' side of the car during the course of the traffic stop and deny the remaining allegations in paragraph 28 of Plaintiffs' Complaint.
29. These Defendants deny the allegations in paragraph 29 of Plaintiffs' Complaint.
30. These Defendants deny the allegations in paragraph 30 of Plaintiffs' Complaint.
31. These Defendants deny the allegations in paragraph 31 of Plaintiffs' Complaint.
32. These Defendants deny the allegations in paragraph 32 of Plaintiffs' Complaint.
33. These Defendants deny the allegations in paragraph 33 of Plaintiffs' Complaint.
34. These Defendants deny the allegations in paragraph 34 of Plaintiffs' Complaint.
35. These Defendants deny the allegations in paragraph 35 of Plaintiffs' Complaint.
36. These Defendants deny the allegations in paragraph 36 of Plaintiffs' Complaint.
37. These Defendants state Defendants Salamon did have reasonable suspicion for stopping Plaintiff Amanda Caton and deny the allegations in paragraph 37 of Plaintiffs' Complaint.
38. These Defendants deny the allegations in paragraph 38 of Plaintiffs' Complaint.
39. These Defendants deny the allegations in paragraph 39 of Plaintiffs' Complaint.
40. These Defendants deny the allegations in paragraph 40 of Plaintiffs' Complaint.
41. These Defendants admit Officer Salamon drove Plaintiff, Amanda Caton, home and deny the remaining allegations in paragraph 41 of Plaintiffs' Complaint.
42. These Defendants deny the allegations in paragraph 42 of Plaintiffs' Complaint.
43. These Defendants deny the allegations in paragraph 43 of Plaintiffs' Complaint.
44. These Defendants deny the allegations in paragraph 44 of Plaintiffs' Complaint.
45. These Defendants deny the allegations in paragraph 45 of Plaintiffs' Complaint.
46. These Defendants admit the allegations in paragraph 46 of Plaintiffs' Complaint.
47. These Defendants deny the allegations in paragraph 47 of Plaintiffs' Complaint.

48. These Defendants deny the allegations in paragraph 48 of Plaintiffs' Complaint.

49. These Defendants admit Plaintiffs and Defendants entered into and executed a tolling agreement which tolled the time under any applicable statute of limitations from February 1, 2022 through June 17, 2022.

ANSWER TO COUNT I

50. These Defendants incorporate herein by reference their responses to paragraphs 1 through 49 of Plaintiffs' Complaint as if fully rewritten.

51. These Defendants deny the allegations in paragraph 51 of Plaintiffs' Complaint.

52. These Defendants deny the allegations in paragraph 52 of Plaintiffs' Complaint.

53. These Defendants deny the allegations in paragraph 53 of Plaintiffs' Complaint.

54. These Defendants deny the allegations in paragraph 54 of Plaintiffs' Complaint.

55. These Defendants deny the allegations in paragraph 55 of Plaintiffs' Complaint.

56. These Defendants deny the allegations in paragraph 56 of Plaintiffs' Complaint for want of knowledge.

57. These Defendants deny the allegations in paragraph 57 of Plaintiffs' Complaint.

58. These Defendants deny the allegations in paragraph 58 of Plaintiffs' Complaint.

59. These Defendants deny the allegations in paragraph 59 of Plaintiffs' Complaint.

60. These Defendants deny the allegations in paragraph 60 of Plaintiffs' Complaint.

61. These Defendants deny the allegations in paragraph 61 of Plaintiffs' Complaint.

62. These Defendants deny the allegations in paragraph 62 of Plaintiffs' Complaint.

63. These Defendants deny the allegations in paragraph 63 of Plaintiffs' Complaint.

64. These Defendants deny the allegations in paragraph 64 of Plaintiffs' Complaint.

65. These Defendants incorporate herein by reference their responses to paragraphs 1 through 64 of Plaintiffs' Complaint as if fully rewritten.

66. These Defendants deny the allegations in paragraph 66 of Plaintiffs' Complaint.

67. These Defendants deny the allegations in paragraph 67 of Plaintiffs' Complaint.

68. These Defendants deny the allegations in paragraph 68 of Plaintiffs' Complaint.

ANSWER TO COUNT II

69. These Defendants incorporate herein by reference their responses to paragraphs 1 through 68 of Plaintiffs' Complaint as if fully rewritten.

70. These Defendants deny the allegations in paragraph 70 of Plaintiffs' Complaint.

71. These Defendants deny the allegations in paragraph 71 of Plaintiffs' Complaint.

72. These Defendants deny the allegations in paragraph 72 of Plaintiffs' Complaint.

73. These Defendants deny the allegations in paragraph 73 of Plaintiffs' Complaint.

ANSWER TO COUNT III

74. These Defendants incorporate herein by reference their responses to paragraphs 1 through 73 of Plaintiffs' Complaint as if fully rewritten.

75. These Defendants deny the allegations in paragraph 75 of Plaintiffs' Complaint.

76. These Defendants deny the allegations in paragraph 76 of Plaintiffs' Complaint.

77. These Defendants deny the allegations in paragraph 77 of Plaintiffs' Complaint.

78. These Defendants deny the allegations in paragraph 78 of Plaintiffs' Complaint.

ANSWER TO COUNT IV

79. These Defendants incorporate herein by reference their responses to paragraphs 1 through 78 of Plaintiffs' Complaint as if fully rewritten.

80. These Defendants deny the allegations in paragraph 80 of Plaintiffs' Complaint.

81. These Defendants deny the allegations in paragraph 81 of Plaintiffs' Complaint.

82. These Defendants deny the allegations in paragraph 82 of Plaintiffs' Complaint.

83. These Defendants deny the allegations in paragraph 83 of Plaintiffs' Complaint.

84. Further answering, these Defendants deny each and every allegation in Plaintiffs' Complaint save such as are herein specifically admitted to be true.

SECOND DEFENSE

85. For their second and further defense herein, these Defendants state that the Complaint of Plaintiffs fails to state a claim upon which relief can be granted.

THIRD DEFENSE

86. For their third and further defense herein, these Defendants incorporate their responses as above set forth and further state they are entitled to absolute or qualified immunity with respect to the claims set forth in Plaintiffs' Complaint.

FOURTH DEFENSE

87. For their fourth and further defense herein, these Defendants incorporate their responses as above set forth and further state they are entitled to all the immunities, defenses, setoffs and limitations on damages contained within Chapter 2744 of the Ohio Revised Code.

FIFTH DEFENSE

88. For their fifth and further defense herein, these Defendants incorporate their responses as above set forth and further state that at all times pertinent they acted reasonably, in good faith, without malice and with probable cause.

SIXTH DEFENSE

89. For their sixth and further defense herein, these Defendants incorporate their responses as above set forth and further state they are immune from the imposition of punitive damages and that the imposition of punitive damages against them will contravene their constitutional rights under both the Constitution of the United States and the Constitution of the State of Ohio.

SEVENTH DEFENSE

90. For their seventh and further defense herein, these Defendants incorporate their responses as above set forth and further state that if Plaintiffs suffered damages as alleged in the Complaint, which is specifically denied, such damages were proximately caused by the intervening and superseding negligence or intentional act of some third party over which these Defendants had no control.

EIGHTH DEFENSE

91. For their eighth and further defense herein, these Defendants incorporate their responses as above set forth and further state that if Plaintiffs suffered damages as alleged in the Complaint, which is specifically denied, Plaintiffs proximately caused and/or contributed to said damages by their own negligence or intentional acts, and/or voluntarily assumed the risk of said damages, thereby barring Plaintiffs from any recovery against these Defendants or diminishing any recovery by Plaintiffs against these Defendants.

NINTH DEFENSE

92. For their ninth and further defense herein, these Defendants give notice that they intend to assert and rely upon all affirmative defenses, immunities, avoidances, counterclaims, cross claims and third party claims which become available or apparent during the course of discovery or trial, and they hereby reserve the right to amend this Answer to assert such defenses.

TENTH DEFENSE

93. For their tenth and further defense herein, these Defendants incorporate their responses as above set forth and further state Plaintiffs' claims are barred by virtue of the doctrines of res judicata, collateral estoppel, claim preclusion and/or issue preclusion.

ELEVENTH DEFENSE

94. For their eleventh and further defense herein, these Defendants incorporate their responses as above set forth and further state Plaintiffs have failed to mitigate their damages.

TWELFTH DEFENSE

95. For their twelfth and further defense herein, these Defendants incorporate their responses as above set forth and further state that the individual Defendants are entitled to qualified immunity.

WHEREFORE, having fully answered, Defendants Jacob Salamon, Dennis Rahe, Shawn Parks and City of Loveland, pray that Plaintiffs' Complaint be dismissed at Plaintiffs' cost and that they take nothing thereby

Respectfully submitted,

/s/ **Lawrence E. Barbieri**

Lawrence E. Barbieri (0027106)

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2022 a copy of the foregoing was filed using the Clerk of Court's CM/ECF filing system which will send notification of such filing to all counsel of record.

/s/ **Lawrence E. Barbieri**

Lawrence E. Barbieri